IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

Crl.MC.No. 1046 of 2007()

CC.441/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KUNNAMKULAM
CRIME NO. 384/02 OF PERAMANGALAM POLICE STATION

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PETITIONER/ACCUSED:

PREMJI PAUL VAZHAPPILLY, S/O. PAUL
PRINCE NIVAS, VAZHAPPILLY HOUSE, CHIRANALLOOR
KECHERI, THALAPPILLY TALUK, TRICHUR DIST.

BY ADV. SRI.K.A.SREEJITH

RESPONDENT/COMPLAINANT:

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1. STATE OF KERALA, REP. BY THE PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE, PERAMANGALAM
TRICHUR.

3. JAMES THOTTAN, ANUGRAHA
CHEROOR P.O., THRISSUR.

R1 & 2 BY PUBLIC PROSECUTOR SRI.C.M. KAMAPPU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 1046 of 2007

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Dated this the 30th day of March, 2007

O R D E R

The petitioner is the sole accused in a prosecution pending before the J.F.C.M. -I, Kunnamkulam. The alleged incident took place in December, 2002. Final report was filed on 30.3.2003. In the F.I.R. there were more accused persons. Final report was filed only against the petitioner herein. All the other accused have been deleted from the array of parties. At the moment, the allegation raised against the petitioner is only under Sections 294(b) and 506(i) I.P.C. The petitioner has entered appearance before the learned Magistrate. The petitioner has, at this stage, after about four years of cognizance, come before this Court with a prayer that powers under Section 482 Cr.P.C. may be invoked in favour of the petitioner to quash the proceedings.

2. I am called upon to invoke the extra ordinary inherent jurisdiction available to this court under Section 482 Cr.P.C. Compelling and satisfactory reasons must be shown to exist to justify invocation of such power. Has justice failed? Has there been

miscarriage of justice? Is there abuse of the process of the court? These are the questions which this Court shall address itself to while considering the prayer for quashing the proceedings. At any rate, such powers are not available as a matter of course. Why does the petitioner, who without demur took part in the proceedings for the last about 4 years, choose to come before this Court now under Section 482 Cr.P.C.? I am unable to get any satisfactory answers. It is contended that the allegations are false. It is contended that the final report has been filed against the petitioner after deleting the co-accused and this indicates oblique motive and want of bonafides.

3. I shall scrupulously restrain myself from making any observation which may prejudice the interests of either side in the trial. I find absolutely no justification in this petition at this belated 11th hour to quash the proceedings.

4. This Crl.M.C. is accordingly dismissed.

(R. BASANT)
Judge

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